

Regular Session, 2009

HOUSE BILL NO. 87

BY REPRESENTATIVE CARMODY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 14:81(A)(2), (C), and (E), relative to indecent behavior with juveniles; to amend the elements of the crime with regard to the type and method of delivery of lewd or lascivious communications to include textual, visual, written, or oral communications; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:81(A)(2), (C), and (E) are hereby amended and reenacted to read as follows:

§81. Indecent behavior with juveniles

A. Indecent behavior with juveniles is the commission of any of the following acts with the intention of arousing or gratifying the sexual desires of either person:

* * *

(2) The transmission, delivery or utterance of ~~an electronic~~ any textual, ~~communication or an electronic~~ visual, written, or oral communication depicting lewd or lascivious conduct, text, words, or images to any person reasonably believed to be under the age of seventeen and reasonably believed to be at least two years younger than the offender. It shall not be a defense that the person who actually receives the transmission is not under the age of seventeen.

* * *

C. For purposes of this Section, ~~the following words have the following~~
~~meanings:~~

~~(1) "Electronic textual communication" means a textual communication made through the use of a computer on-line service, Internet service, or any other~~

~~means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or on-line messaging service.~~

(2) ~~"Electronic visual communication" means the communication of a visual image made through the use of a computer on-line service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or on-line messaging service.~~ "textual, visual, written, or oral communication" means any communication of any kind, whether electronic or otherwise, made through the use of the United States mail, any private carrier, personal courier, computer online service, Internet service, local bulletin board service, Internet chat room, electronic mail, online messaging service, or personal delivery or contact.

* * *

E. An offense committed under this Section and based upon the transmission and receipt of ~~electronic textual or visual communications~~ textual, visual, written, or oral communication may be deemed to have been committed where the ~~electronic~~ communication was originally sent, originally received, or originally viewed by any person.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____